



**STATE OF WASHINGTON**  
**OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR**

DIRECTOR'S REVIEW PROGRAM  
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March 28, 2012

TO: Timothy Petrozzi

FROM: Teresa Parsons, SPHR  
Director's Review Program Supervisor

SUBJECT: Timothy Petrozzi v. Department of Licensing (DOL)  
Allocation Review Request ALLO-11-043

On February 9, 2012, I conducted a Director's review conference regarding the allocation of your position. You and your former supervisor, Ryan Grimes, both attended the conference. In addition, Shelby Krismer Harada, Classification and Compensation Specialist; George Price, Human Resources Operations Manager; and Brett Alongi, Human Resources Consultant, represented DOL. Your current supervisor, Mike Langbehn, and Manager, Lynette Glassburn, also participated in the conference.

**Director's Determination**

This position review was based on the work performed for the six-month period prior to March 24, 2011, the date you submitted your request for a position review to your Human Resources (HR) Office. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Customer Service Specialist 2 (CSS 2) classification.

**Background**

Your position is assigned to the Suspensions Unit of the Driver Records Section within the Programs and Services Division (Exhibits A-8 and B-3). On March 24, 2011, DOL's HR Office received your Position Review Request (PRR) asking that your CSS 2 position be reallocated to the Correctional Records Technician 1 (CRT 1) classification (Exhibit B-3). On May 10, 2011, Ms. Krismer Harada met with your supervisor and manager, along with others in your work unit requesting reallocation. On May 26, 2010, she and Mr. Alongi met with you and your co-worker, Andrew Marzano, to conduct a desk audit. On August 15, 2011, Ms. Krismer Harada denied your reallocation request. Specifically, she concluded your position did not fit the CRT 1 class

definition because you are not assigned to a correctional records office and your position does not perform correctional records technical tasks or report to a Correctional Records Supervisor (Exhibits B-1 and B-2).

On August 30, 2011, the Department of Personnel received your request for a Director's review of DOL's allocation decision. The request initially included other employees in your work unit; however, those employees decided not to pursue a Director's review (Exhibits A-1 and A-2).

### **Summary of Mr. Petrozzi's Perspective**

You assert your position is responsible for reviewing the accuracy of court documents relating to convictions and sentencing of criminal driving offenses. In addition, you indicate you review similar source documents from other entities, such as law enforcement agencies, juvenile court, and the Department of Social and Health Services (DSHS). You state that you review these records to calculate and determine driving restrictions and update individual driving records to reflect current status. You emphasize that law enforcement relies on accurate driving records during traffic stops to access real-time data and that you may be required to verify information during the stop (Exhibit A-14). While you acknowledge your position does not calculate length of incarceration, you assert your position recalculates driving restriction timeframes based on changes to offenders' records.

You contend your position serves as a custodian of records for all documents contained in court orders used to update individual driving records. You contend the duties described in your job description do not accurately reflect the complexity of your work or the level of responsibility assigned to your position. You point out that laws and regulations change regularly and that your position serves as a subject matter expert in interpreting and applying the correct procedures and actions impacting a driver's record. You also note that your position testifies as an expert in court to verify information contained in an individual's driving record. While you acknowledge your position does not perform all duties described in the CRT 1 class specification, you assert you perform some of the duties 100% of the time. For these reasons, you contend the duties and responsibilities assigned to your position exceed the CSS 2 job class and more closely align with the CRT 1 job class.

### **Summary of DOL's Reasoning**

DOL contends the duties and responsibilities assigned to your position do not meet the CRT 1 class definition. While DOL acknowledges there may be some similarities between your duties and those described in the CRT 1 typical work examples, DOL emphasizes your position is not assigned to a correctional records office and does not report to a correctional records supervisor. DOL further asserts the CRT 1 descriptions of work specifically relate to criminal records handled by correctional and law enforcement agencies, including calculations related to incarceration or community service.

By contrast, DOL contends the primary focus of your position is to ensure and maintain accurate driver's record information, which includes updating criminal traffic offenses like DUI or vehicular homicide. DOL recognizes your duties are complex but contends the records you process and update affect driving privileges, not correctional supervision. For these reasons, DOL asserts allocation of your position to the CRT 1 class is not appropriate. Instead, DOL contends the work you perform responding to inquires and resolving issues related to felony traffic offenders,

as well as interpreting and applying knowledge of laws, regulations, and processes, fit within the CSS 2 job classification.

### **Rationale for Director's Determination**

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### **Duties and Responsibilities**

When requesting your review from DOL, you completed a Position Review Request (PRR) and Position Review Supplemental Form describing your position's duties. However, during the Director's review conference, you stated that a position description from an earlier time period (1999) more accurately described the specific duties of your job. You asserted the more recent Position Description Form (PDFs), which you based your descriptions from, were broader in nature and did not capture the specific duties and level of complexity assigned to your position. However, since a position review is based on the duties performed at the time of the request for review, I focused on the PRR documents and the PDF on file at the time of your request. Throughout the conference, you provided a more detailed description of the duties you had written on the PRR, and your current and former supervisor, as well as your manager, provided input and clarification as well.

On the PRR, you described your position's purpose, in part, as follows (Exhibit B-3):

. . . exists to review and/or update criminal driving activity on driver records through District, Municipal, Superior, and Federal court documents relating to convictions and sentencing.

You further indicated your position interprets court decisions, RCWs and WACs, and sentencing "to properly compute/recompute release dates for felony traffic offenders" (Exhibit B-3).

During the Director's review conference, you clarified the "release dates" referred to a reinstatement or adjustment of driving privileges, not release from incarceration. You explained the release date from incarceration affects the suspension or revocation period because the period begins after the felony traffic offender is released from prison. Further, your position verifies traffic offender database information against source documents and resolves problems relating to sentence computations (as they relate to an individual's driving record).

In addition, you and your supervisors agreed your position testifies in court regarding the validity of traffic records, as well as to verify a driver's identity. On the Position Review Supplemental Form, you described your duty to testify in court as a change from your last job description, and you stated that "all CSS2's in Driver Records" had been appointed as "Custodian of Records" by DOL's director (Exhibit B-4). It is undisputed that your position and others in Driver Records

regularly rotate to testify about a defendant's driving record in court hearings involving driving related offenses.

In summary, you describe the majority of your position's job duties on the PRR as follows (Exhibit B-3):

- 25% Evaluate and respond to driver record related customer complaints/inquiries/requests via telephone, fax, email, written correspondence, and Personal Identification Code (PIC). Research and determine eligibility of driving privileges in relation to suspensions, revocations, disqualifications, and cancellations.

Use extensive technical knowledge, advise, answer, and interpret current and past state laws [RCWs and WACs], federal regulations, departmental action codes, policies, and procedures relating to criminal driving history.

Research, analyze, and interpret drive record information, and criminal court documents to respond to inquiries . . . that could possibly impact the personal or commercial driving privilege.

- 25% Process and interpret criminal documentation (court dockets, citations, officers sworn reports, judgment and sentence orders) received from Washington courts and law enforcement to accurately enter suspension, revocations, disqualification, and cancellation related information into DHS [Drivers Headquarters System – a real-time system accessible to all law enforcement].

Process orders of release received from DOC, as well as written letters from probation officers, for traffic offenders that have been convicted of Vehicular Assault/Homicide in order to modify offenders release date.

*(During the Director's review conference, you clarified that any modification to a date affects driving privileges rather than actual release from incarceration).*

Provide specialized technical assistance to customers and perform record changes on personal and commercial drive records . . .

Assist customers in resolving suspensions, revocations, disqualifications, and cancellations related complaints and problems.

Access and interpret the DISCIS/SCOMIS court system (electronic database containing complete criminal history of driver and results of decisions made by the courts), Drivers Online, imaging and other driver related databases and systems . . . and DOL database records and documentation.

Explain and interpret agency policies and procedures to courts, law enforcement, attorneys, public defenders, the general public and other related agencies.

- 15% Compose letters from a letters program in response to customer questions to provide information and/or explain decisions made regarding eligibility for service or requirements for compliance to drive a vehicle.

Complete written correspondence in response to informational requests and/or inquiries from attorneys, law enforcement, courts, the public, and License Service Representatives (LSR's).

May compose complete written correspondence for public disclosure requests.

- 15% Review and verify system reports for accuracy. When errors are found, update or correct the drive record and other related databases.

Review current policies, RCWs and WACs to see if something maybe changed, corrected, or hasn't been overlooked to insure accuracy, integrity, and efficiency with in the unit.

- 10% Provide training and presentations to internal and external customers regarding suspensions, revocations, disqualifications, and cancellations to the driver record.

- 5% Testify in a court of law as an expert witness to explain and or interpret agency policies and procedures.

- 5% Maintain statistics and organize, prioritize, and initiate work activities.

During the Director's review conference, your supervisors clarified your position requires little supervision and that you are responsible for devising your own work methods (Exhibit B-12). They also verified your work can get very complex at times and that your position serves as a subject matter expert. Your supervisors affirmed you are one of the individuals in your work unit authorized to sign off on corrections to driving records made by co-workers in your unit. Ms. Glassburn clarified the "corrections" made by employees in your unit are mainly from the circumstances affecting a driving record (e.g. change by the court), not due to employee error. Your position's level of responsibility is also denoted on the Position Review Supplemental Form you completed (Exhibit B-4). Further, while the PRR and supplemental form provide more detail about your position's duties, the PDF on file at the time of your request and the corresponding job analysis support the work described on the PRR (Exhibits B-12 and B-13).

### Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations.

The **Correctional Records Technician 1 (CRT 1)** definition states this position "[p]erforms correctional records technical tasks and sentencing structure duties within a correctional records office. Calculates length if incarceration and/or community supervision time under the supervision of a Correctional Records Supervisor."

No distinguishing characteristics exist for this classification. However, while examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification. The CRT 1 typical work examples include the following:

- Reviews and verifies accuracy of Superior Court documents relating to convictions and sentencing;
- Responds to external requests for offender information based on Public Disclosure and Criminal History Records laws;
- Determines the legal service/financial obligations prior to release from institution or a work/training release facility;
- Reviews and verifies all pertinent documents relative to the offender's sentence in order to prepare release documents (i.e., Notification of Release);
- Verifies offender database information against source documents and resolves problems that relate to sentence computations;
- Identifies sentenced offender through fingerprint comparison and physical characteristics;
- Validates type of detainer received from another jurisdiction . . . ;
- Signs/witnesses acknowledgement of receipt of disciplinary/paroleability hearing notices;
- Enters and clears "Wanted Person" warrant into WACIC and NIC . . . ;
- Interprets Supreme, Appellant, and Superior Court decisions, RCWs and Indeterminate Sentencing Review Board Re-determinations to properly compute/recomputed release date for offenders;
- Updates inmate record for earned early releases;
- Determines when inmates are to be reviewed by Indeterminate Sentencing Review Board; prepares and submits inmate files . . . ;
- Serves as public disclosure officer and determines . . . items that are disclosable, non-disclosable . . . ;
- Serves legal documents on offenders;
- Checks NCIC and WACIC for State and Federal warrants;
- Takes fingerprint and photographs; assigns offenders DOC numbers;
- Testifies in court as expert witness regarding the validity of offender records and identity;
- Archives offender records.

The CRT 1 definition specifically refers to work performed in a correctional records setting. Although aspects of your job may involve a review of similar documents, such as the court documents related to a criminal traffic offense, the CRT 1 typical work examples are performed in context with the definition, which involves a broader range of offender records. Though your position is tasked with computing the length of a driver's license suspension or revocation, including the loss of privileges for offenders convicted of traffic related crimes, your calculations do not affect an offender's length of incarceration as anticipated by this class specification. The records you process affect previously licensed drivers' (criminal traffic offenders') driving privileges, not incarceration. As a result, the CRT 1 is not the best overall fit for the duties and responsibilities assigned to your position.

The **Customer Service Specialist** class series concept reads as follows:

Positions in this series provide assistance and problem resolution to agency clients/customers and are located in a designated customer service program. The

intent of the series is to assist clients/customers in identifying agency processes and procedures, resolving client/customer problems related to agency programs and interpreting agency related laws, policies and procedures. Positions at all levels may be assigned lead or supervisory responsibility over lower level staff.

This series is not clerical in nature. Clerical support duties are incidental to the total work assignment (less than 10%). Clerical support, for the purposes of this series, includes tasks such as maintaining filing systems, maintaining logs, updating computer or manual data systems, office and telephone reception, completing office forms, compiling and completing recurrent reports, performing routine typing, copy work and preparing mailings.

This occupational category is considered a technical occupational category. Positions assigned to this occupational category have authority to accept, grant or deny agency services or may mediate between the business of the agency and the client (example: Attorney General's Consumer Protection Unit). Some positions may train and provide leadership to volunteers.

The **Customer Service Specialist 2** definition states the position performs the following:

Independently resolves complaints, inquiries and client/customer service problems while maintaining appropriate confidentiality. Provides agency interpretation and applies knowledge of laws, regulations, and processes in the resolution of inquiries, complaints and problems.

No distinguishing characteristics exist for this classification. However, the typical work examples emphasize work with customers to identify issues and resolve problems, including the following:

- Acts as liaison between clients/customers and agency; gives presentations and offers assistance to other State and Federal agencies;
- Independently resolves client/customer problems by identifying the issues, determining procedural steps necessary to bring resolution, working with program staff to implement resolution, and communicating results to the client/customer;
- Creates and manages customer profiles and maintains integrity of the data and information while delivering specialized services.

Your position is assigned to the Driver Records Section of DOL and deals primarily with license suspensions and revocations. Your position reports to a CSS 3, and your supervisor reports to a CSS 4 (Exhibits A-8 and B-3-a). Your customers include individuals inquiring about the status of a driving record, including law enforcement. Your position evaluates and responds to customer complaints and inquiries, verifies the information contained in driving records, and independently applies knowledge of laws, regulations and agency procedures to resolve issues and provide accurate and timely information. Part of your job involves reviewing criminal court documents related to felony driving offenses and ensuring the various databases reflect the correct information. Though your duties may be more specific than addressed in the CSS 2 job class, they fit within the class series concept and definition of the CSS 2 class.

In a similar case, the Personnel Resources Board (PRB) determined the Appellant possessed the depth of knowledge needed to independently perform the work and resolve problems within

the position's area of responsibility. Further, the Appellant interpreted information and applied knowledge of applicable laws and the administrative review process when resolving requests. The PRB concluded these duties, as well as the responsibilities to identify issues, take procedural steps to resolve the issues, and maintain the integrity of the data provided, fit within the scope of the CSS 2 classification. Holloway v. Dept. of Licensing, PRB Case No. R-ALLO-08-023 (2009).

In addition, the Board has previously noted that most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

During the Director's review conference, your supervisors and manager acknowledge the work you perform can get very complex. They also recognized the level of expertise you apply when performing the duties of your job and noted that your position has been viewed as a subject matter expert within the work unit. It is clear you work hard to provide quality service to those inquiring about a driving record and take steps to ensure the data contained within each record is accurate and complete.

However, a position's allocation is not a reflection of performance or an individual's ability to perform higher level work. Rather, an allocation is based on the majority of work assigned to a position and how that work best aligns with the available job classifications. At this point in time, there is not a job class that addresses the specific duties and nuances of the work you perform. Therefore, the Customer Service Specialist 2 (CSS 2) classification provides the best overall fit for the duties and responsibilities assigned to your position.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 521 Capitol Way South, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

If no further action is taken, the Director's determination becomes final.

c: Shelby Krismer Harada, DOL  
Lisa Skriletz, OSHRD

Enclosure: List of Exhibits



**TIMOTHY PETROZZI v DOL**  
**ALLO-11-043**

**A. Timothy Petrozzi Exhibits**

1. Letter of request for Director's Review received August 30, 2011
2. Director's Review request form received August 30, 2011 (2 pages)
3. DOL allocation determination letter August 15, 2011 (5 pages)
4. PRR with no signatures, no supervisor input (8 pages)
5. Copy of Position Review Supplemental Form (5 pages)
6. Position Description Form, signed November 2009 (6 pages)
7. Job Analysis Record Form (7 pages)
8. Driver Records Organizational Chart – 8/16/2011
9. WSP Criminal History Records Technician Position Description (5 pages)
10. July 29, 2011 email from Shelby Krismer Harada to employees with draft of allocation determination (3 pages)
11. August 25, 2011 email exchange between Tim Petrozzi and Lynette Glassburn regarding clarification about "change" versus "correction" of records (1 page)
12. Example of e-Trip Services (2 pages)
13. Cover fax from Clallam County District Court I with In-house complete record and court judgment information examples (3 pages)
14. Abstract of Complete Driving Record screen shot that officers pull up in real-time during traffic stop (3 pages)
15. Classification Questionnaire for position #2344 (Schmidt) dated 1999 (Example of prior CSS 2 position description – informational only)
16. DOC Correctional Records Technician Job Announcement
17. Custodian of Record Frequently Asked Questions (17 pages)
18. Example of King County District Court Docket (14 pages)
19. Other examples of documents reviewed when making changes to driving record (e.g. various court orders, internal email correspondence, abstract of court records from juvenile facilities, in-house complete record, ADR record correction worksheet, worksheet for calculating dates, DOL hearing examiner decision, driver identification record) (total 95 pages)

**B. DOL Exhibits**

1. November 4, 2011 DOL exhibit packet cover letter and exhibit list. (3 pages)
2. DOL allocation determination letter August 15, 2011 (5 pages) (same as A-3)
3. March 24, 2011, Position Review Request Form (8 pages) (Same as A-4)
  - a. Organizational Chart – 4/1/2011
4. March 24, 2011, Position Review Supplemental Form (5 pages) (Same as A-5)
5. January 6, 2010 Certificate of Custodian of the Records for DOL (1 page)
6. May 28, 2010, Correctional Records Technician 1 Job Announcement (3 pages)
7. May 10, 2011, Desk Audit Meeting and notes (7 pages)
8. May 26, 2011, Desk Audit Notes (5 pages)
9. August 1, 2011 email chain between Andrew Marzano and Shelby Krismer Harada regarding Position(s) Review Summary (3 pages)
10. March 24, 2011, Position Review Request with handwritten notes from Shelby Krismer Harada (8 pages)

11. March 24, 2011, Position Review Supplemental Form with handwritten notes from Shelby Krismer Harada (5 pages)
12. Position Description Form date stamped December 29, 2009 (6 pages) (Same as A-6)
13. Job Analysis Record Form date stamped December 29, 2009 (7 pages) (Same as A-7)
14. Business Process Engineering Driver Records Unit Consulting Report, dated September 2010 (9 pages)
15. Customer Service Specialist 1 Class Specification with highlighting (2 pages)
16. Customer Service Specialist 2 Class Specification with highlighting (1 page)
17. Correctional Records Technician 1 Class Specification (3 pages) with handwritten notes from Shelby Krismer Harada
18. Correctional Records Supervisor Class Specification (2 pages)
19. Printout of Number of Employees Statewide in Correctional Records job classes, dated April 2011 (2 pages)
20. Correctional Records Technician 1 PDF from Department of Corrections, date stamped October 20, 2009 (6 pages)
21. Correctional Records Technician 1 PDF from Washington State Patrol, date stamped March 16, 2011 (3 pages)
22. October 19, 2011 email between Karen Wilcox, OSHRD/OFM and Shelby Krismer Harada regarding extension of time to submit documents regarding matrix of employees' duties (2 pages)
  - a. Job duties matrix of employees in Suspension Unit – created by Shelby Krismer Harada (2 pages)
23. Position Review Supplemental Form matrix of employees in Suspension Unit – created by Shelby Krismer Harada (4 pages)

C. Additional email correspondence after the Director's Review Conference but prior to the Director's Determination.

1. February 28, 2012 email from Tim Petrozzi to Karen Wilcox, Director's Review Program, with additional comments and request for information and follow-up.
2. March 1, 2012 email response to Tim Petrozzi from Teresa Parsons, Director's Review Supervisor, with deadline to submit additional key points in writing.
  - a. March 1, 2012 email correspondence between Tim Petrozzi and Teresa Parsons, forwarding a public disclosure request to OFM's coordinator (informational only).
  - b. March 6, 2012 email correspondence between George Price, DOL, and Teresa Parsons forwarding inquiry to OFM's Public Disclosure Coordinator (informational only).
3. March 13, 2012 email from Teresa Parsons to parties, addressing exhibits submitted the day of review and confirming no additional response had been submitted by Tim Petrozzi (reference exhibit C-2 above).
4. March 13, 2012 email from Tim Petrozzi to Teresa Parsons, affirming he did not submit an additional response.
5. March 14, 2012 email from Teresa Parsons to Tim Petrozzi, acknowledging email (exhibit C-4) and forwarding copy to Shelby Krismer Harada, DOL.
6. March 14, 2012 email from Tim Petrozzi to Teresa Parsons acknowledging her response forwarding the email to Shelby Krismer Harada (exhibit C-5).

7. March 14, 2012 email from Tim Petrozzi to Teresa Parsons inquiring whether he had all email correspondence from Shelby Krismer Harada.
8. March 14, 2012 email responses from Teresa Parsons affirming there had been no further correspondence up to that point from Shelby Krismer Harada since the review conference. However, the email noted the Director's Review Program had forwarded Mr. Petrozzi's emails containing additional exhibits to Ms. Krismer Harada. The email also noted George Price's follow-up inquiry regarding the public disclosure request (exhibit C-2-b).
  - a. March 14, 2012 emails from Teresa Parsons to Tim Petrozzi (3 emails) forwarding the emails containing his exhibits that had been forwarded to Shelby Krismer Harada.
  - b. March 14, 2012 emails from Teresa Parsons to Tim Petrozzi forwarding George Price's inquiry about the public disclosure request.
9. March 15, 2012 email correspondence between Tim Petrozzi and Teresa Parsons regarding his inquiry about any further correspondence from DOL or the union.
10. March 15, 2012 email from Shelby Krismer Harada, DOL, in response to the exhibits received (reference exhibit C-3) with request for additional time to respond and an email agreement from Tim Petrozzi.
11. March 16, 2012 email from Teresa Parsons to the parties, confirming that DOL will respond to the additional exhibits by March 23, 2012.
12. March 26, 2012 email from Teresa Parsons to the parties, confirming that no additional response from DOL was received.
13. March 26, 2012 emails from Tim Petrozzi and Shelby Krismer Harada acknowledging receipt of Teresa Parsons' March 26 email (exhibit C-12) that states the decision will be finalized.